

**NORTH CAROLINA CRIMINAL JUSTICE  
EDUCATION AND TRAINING STANDARDS COMMISSION**

**MINUTES**

**DATE:** May 29, 2009

**TIME:** 9:00 A. M.

**LOCATION:** N. C. Department of Correction  
Apex, North Carolina

**SUBMITTED BY:** Wayne Woodard  
Director

The Education and Training Committee, the Planning and Standards Committee and the Probable Cause Committee met on May 28, 2009 for their regular quarterly meetings. The Executive Committee also met on May 28, 2009.

Chairman John Glenn called the meeting to order at 9:00 a.m.

**MEMBERS PRESENT**

Mayor Drewery Beale  
Colonel Walter Wilson  
Chief Ira Jones  
Chief Bill Post  
Chief Patricia Bazemore  
Mr. Wade Anders  
Chief Tom Moss  
Dr. Robert Ruth  
Mr. Eddie Caldwell  
Captain Lee Farnsworth  
Mr. John Glenn  
Captain Terry Jones  
Chief Wrenn Johnson  
Mr. Terry Waterfield  
Mr. James Festerman  
Dr. Mike Evers  
Mr. Vernon Bryant  
Ms. Hilda Spivey  
Ms. Robin Pendergraft  
Ms. Elizabeth Bunting  
Chief Greg Harrington  
Ms. Stephanie Freeman  
Sergeant Lorrie Hersey  
Mr. Richard Armstrong  
Mr. Kevin Wallace  
Ms. Tracy McPherson  
Ms. Linda Hayes

**MEMBERS ABSENT**

Mr. Johnson Britt  
Mr. Ray Davis  
Mr. Thomas Thornburg

**VISITORS**

|                  |                                                          |
|------------------|----------------------------------------------------------|
| Margaret Pearson | N.C. Department of Correction                            |
| Craig Pearson    |                                                          |
| Faneal Godbold   |                                                          |
| David Ferrell    | Attorney representing Faneal Godbold                     |
| Cindy Thacker    | N. C. Dept. of Juvenile Justice & Delinquency Prevention |
| Lynsey Hathcock  | N.C. Department of Justice                               |
| Evett Brown      | Attorney representing Roy Burgess                        |
| Jeffrey Linney   |                                                          |
| Matthew Parke    | N.C. Department of Justice                               |
| Peggy Schaefer   | N.C. Justice Academy                                     |
| George Sweat     |                                                          |

**STAFF**

|                |               |                 |              |                  |
|----------------|---------------|-----------------|--------------|------------------|
| Wayne Woodard  | Pam Pope      | Teresa Marrella | Jim McDougle | Claudelle Julien |
| Ed Zapolsky    | Vickie Huskey | Richard Squires | Mark Dearry  | Brandy Miree     |
| Joy Strickland | Donna Byrd    |                 |              |                  |

**I. CALL TO ORDER**

Commission Chairman John Glenn brought the meeting to order. Following the roll call, Chairman Glenn declared that a quorum was present and welcomed all visitors to the Commission meeting. Ms. Byrd administered the Oath of Office to one new member, Ms. Linda Hayes of the North Carolina Department of Juvenile Justice and Delinquency Prevention.

Chairman Glenn personally thanked Commissioner Hilda Spivey for hosting the Commission at the North Carolina Department of Correction's Office of Staff Development and Training facility in Apex.

**II. PRESENTATION OF RESOLUTIONS**

Chairman Glenn advised that the Executive Committee had approved a Resolution of Appreciation for former Commissioner George Sweat, which he proceeded to read to the membership.

Mr. Sweat accepted his Resolution from Chairman Glenn and briefly addressed the Commission, stating that he had enjoyed working with the Commission membership and that he would miss serving on the Commission.

Chairman Glenn stated that the Executive Committee approved a Resolution of Appreciation for former Commissioner Bob Lewis. Chairman Glenn stated that Commissioner Bob Lewis had been named the state's new Director of the Division of Prisons. He stated that Commissioner Lewis was unable to attend the meeting to accept his plaque.

Next, Chairman Glenn read aloud a Resolution of Appreciation for Bill Post, Chief of the Boone Police Department. Chairman Glenn advised the members that Chief Post would be retiring August 1, 2009.

Commissioner Post accepted his Resolution from Chairman Glenn and expressed his gratitude to the Commission. Commissioner Post stated that he had very much enjoyed working with the

Commission.

### III. MINUTES OF FEBRUARY 20, 2009 MEETING

Chairman Glenn entertained a motion to approve the minutes.

**MOTION was made by Commissioner Kevin Wallace that the Commission approve the minutes of the February 20, 2009 meeting as mailed. The MOTION was seconded by Commissioner Tom Moss and carried unanimously.**

### IV. STANDING COMMITTEE REPORTS

#### A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell asked Director Wayne Woodard to give an update on the Criminal Justice Standards Division. Mr. Woodard introduced Brandy Miree and Jason Sauber, two new staff members with the Criminal Justice Standards Division. Ms. Miree replaced the vacant processing assistant position for the Company/Campus Police program. Mr. Sauber was assigned to the law enforcement certification as a processing assistant to Ms. Jenny Little.

Next, Mr. Woodard reported that the Criminal Justice Standards Division had begun using the new database. He explained development of the new database had been a three-year project. He stated that there were some bugs in the database and that Department of Justice IT staff was working to eliminate those. Also, he stated that the new website for the Department of Justice was now online and that it was much more user friendly than the old website.

Mr. Woodard concluded his report by explaining that the rules for the Qualified Retired Law Enforcement Firearms Certification program had been approved.

Mr. Caldwell asked Director Peggy Schaefer to give an update on the Justice Academy.

Ms. Schaefer stated that officers across the state have completed a block of instruction on domestic violence for in-service training.

Ms. Schaefer stated that the Western Campus in Edneyville would hopefully open the new Firearms Range in 2010.

She concluded her report by saying that the Academy was hosting the Sheriffs' Training and Standards Commission the following week and asked the Commission members to come and join them in an open house event.

#### B. Education and Training Committee - Chairman Tom Moss

Chairman Moss reported that the Education and Training Committee met on May 28<sup>th</sup> in the Office of Staff Development and Training.

Mr. John Combs with the N.C. Justice Academy appeared before the Committee to propose replacing the "Importance of Being Physically Fit and Conducting Safe Warm-up Exercises" block of instruction in the SCAT course with "Combat Conditioning." The new

block is closely aligned with the actual physical skills needed by street officers, and will move away from a general fitness lecture.

**MOTION was made by Commissioner Moss that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B .0232 - Specialized Subject Control, Arrest Techniques Instructor Training to revise (d)(6) "Importance of Being Physically Fit and Conducting Safe Warm-up Exercise" topic area to reflect "(6)" "Combat Conditioning" as the new topic area; seconded by Commissioner Terry Jones. The MOTION carried unanimously.**

Mr. Combs also proposed revising the Specialized Physical Fitness Instructor Training Course by reducing the hours from 8 hours to 4 hours in the "Lesson Plan Review" block of instruction and adding "Developing In-Service Wellness Programs and Validating Fitness Standards" as a 4 hour block of instruction. This change is consistent with the current focus on fitness programs at the agency level.

**MOTION was made by Commissioner Moss that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B .0233 - Specialized Physical Fitness Instructor Training to review "(d)(2) Lesson Plan Review to reflect 4 hours" and to add "Developing In-Service Wellness Programs & Validating Fitness Standards - 4 hours" as the new topic area; seconded by Commissioner Jones. The MOTION carried unanimously.**

Chairman Moss reported that Commissioner Tracy McPherson and Jane Gilchrist, Commission Legal Counsel, discussed with the Committee implementation issues regarding the 10<sup>th</sup> grade reading comprehension standard. After a lengthy discussion concerning the use of a single testing instrument (TABE) versus allowing the use of multiple instruments, a motion was proposed.

**MOTION was made by Commissioner Moss that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to require that prior to entrance into BLET, students must take a nationally recognized standardized test scoring, at the minimum, a 10<sup>th</sup> grade reading level or the equivalent with the results of the test being valid for a period of one year and that transfer students, i.e., limited enrollee students or out of state officers, must successfully complete the test prior to attending any blocks of instruction in BLET; seconded by Commissioner Vernon Bryant. The MOTION carried unanimously.**

Next, Chairman Moss recounted that Ms. Pam Pope, Deputy Director of the Criminal Justice Standards Division, appeared before the Committee to discuss development of the new scenario-based BLET certification exam and to request pilot authority to administer the new exam beginning June 1, 2009. The Committee approved this request.

Chairman Moss related that on behalf of the North Carolina Police Executives Association, Commissioner Robin Pendergraft presented a request for pilot authority to award in-service training credit for four (4) hours of training to be delivered at the summer conference dealing with the successful implementation of "ICS" and Case Study - Trial

by Fire Apex Chemical Response. This will involve, in part, using a trainer who is not certified as a general instructor through the Criminal Justice Standards Commission. The Committee approved this request.

Chairman Moss noted that Commissioner Terry Jones presented a recommendation from the School Accreditation Committee to accredit Richmond Community College for the delivery of Basic Law Enforcement Training. Commissioner Jones also presented a committee recommendation to reaccredit Blue Ridge Community College and Wake Technical Community College for the delivery of Commission-accredited courses. The Committee approved each of these recommendations.

Chairman Moss reported that on behalf of the Speed Measuring Instrument Committee, Jim McDougle, Criminal Justice Standards Division, recommended the addition of two new radar instruments to the N.C. Approved Speed Measuring Instrument List. The Committee approved this recommendation.

Next, Chairman Moss related that on behalf of the BLET Revision Committee, Bob Yow, N.C. Justice Academy, reported that a number of training objectives had been added and/or revised consistently with the results of the BLET Task Analysis. The affected blocks of instruction include: Arrest, Search & Seizure/Constitutional Law, Crowd Management, Motor Vehicle Law, Patrol Techniques and Criminal Investigation. Mr. Yow also requested approval for new grading sheets in the "Techniques of Traffic Law Enforcement" lesson plan. Lastly, he presented a subcommittee request to require those Rapid Deployment Instructors to have completed the Academy's Rapid Deployment Instructor Training Course. The Committee approved these requests.

Chairman Moss related that Mr. Yow reported on a number of minor revisions to various blocks of instruction in BLET.

Chairman Moss noted that Mr. John Combs reported to the Committee that minor revisions and updates were being made to several outlines in the Specialized Physical Fitness Instructor Course. The revised outlines are: Fitness Programs, CVD Risk Factors, Nutrition and Injury Prevention.

Chairman Moss related that he has appointed Commissioner Wrenn Johnson to the Program Evaluation Committee.

Chairman Moss stated that Commissioner Terry Jones advised the Committee that the Mecklenburg County Sheriff's Office had formally requested to no longer be recognized to deliver Basic Law Enforcement Training and is not included on the authorized list.

Chairman Moss noted that Commissioner Stephanie Freeman reported that ballistically equivalent ammunition would be used in the Department of Correction's Firearms Instructor course.

Next, Chairman Moss reported that Chad Thompson, N.C. Justice Academy, shared with the Committee the results of SBI research into officer involved shootings. The Committee was asked to consider this information in regards to firearms qualification courses of fire, as well as, other relevant applications for the information.

Chairman Moss noted that Commissioner Wrenn Johnson updated the Education and Training Committee by stating that the subcommittee reviewing "acceptable instruction"

had met on April 3, 2009, in Salemburg. A new instructor evaluation form is being developed and guidelines for on-line training are being prepared. The Committee is also studying rules and practices associated with out-of-state transfers.

Chairman Moss concluded his report by saying that Ms. Schaefer updated the Committee regarding various Academy activities.

**C. Planning Committee - Chairman Kevin Wallace**

Chairman Wallace reported that the Planning and Standards Committee met on May 28, 2009.

Chairman Wallace stated that Commissioner Bill Post reported that the subcommittee had compiled the survey results from six selected criminal agencies on their hiring process. He noted that the Planning and Standards Committee would be mailing to the Commission the results.

Next, Chairman Wallace noted that Commissioner Lee Farnsworth introduced Sheriff Van Duncan and Captain Rusty Sweezy with the Buncombe County Sheriff's Office. Sheriff Duncan reported on the concept of Emotional Intelligence. Sheriff Duncan explained that he had received positive feedback from former students of the Leadership Management Class where Emotional Intelligence is incorporated.

Chairman Wallace related that Jane Gilchrist provided the Committee with a handout regarding the verbiage on the Personal History Statement, Form F-3. She stressed that the Form needed some revisions. The Committee approved the changes.

In closing, Chairman Wallace stated that Senate Bill 1086 is a proposed bill for a new Commission for the Department of Correction. He stated that due to the state budget crisis, Senate Bill 1086 may not be approved.

**D. Standards Committee - Chairperson Betsy Bunting**

Chairperson Bunting reported that the Probable Cause Committee met on May 28, 2009 at the Office of Staff Development and Training in Apex.

Chairperson Bunting continued her report by stating that the Committee had reviewed seventeen (17) cases for determination of probable cause. In nine (9) cases, the Committee found no probable cause. In the remaining eight (8) cases, probable cause was found.

Chairperson Bunting stressed that the Committee had reviewed several difficult cases and she wanted to thank staff and Jane Gilchrist, Mike Heavner and Joy Strickland for their hard work. Also, she wanted to thank the Probable Cause Committee members for their commitment in reviewing these cases for two days.

**V. OTHER BUSINESS**

None

**VI. OLD BUSINESS**

**A. Old Business**

None

**B. Legal Counsel Report**

Ms. Jane Gilchrist distributed a document entitled "Pending Administrative Cases" for the membership's review:

1. Jay Eduard Krueger                      Heard without Oral Argument at Court of Appeals December 3, 2008; Waiting on Order
2. Faneal Godbold                      To Be Heard at the May 2009 Commission meeting.
3. Margaret Suzanne Pearson              To Be Heard at the May 2009 Commission meeting.
4. Roy Lee Burgess                      To Be Heard at the May 2009 Commission meeting.
5. Danny Earl Keel                      Hearing Continued
6. Gregory Brian Perry                      Hearing Continued
7. Darryl Emanuel Gerald                      Hearing Continued
8. James E. Norris, Sr.                      To Be Heard at the August 2009 Commission meeting. Requested Oral Argument.
9. Jackie Marie Daniels                      Respondent filed Prehearing Statement February 18, 2009. Petitioner Prehearing Statement February 25, 2009. Motion to Dismiss (no PHS) filed March 19, 2009; Response Due April 2<sup>nd</sup>. Interrogatories - Discovery Due: May 4, 2009. Hearing - Week of May 18, 2009, Halifax.
10. Ronald Wynn                      Discovery Due: June 8, 2009. Hearing - Week of June 22, 2009, Raleigh.
11. Nikita Wade                      Interrogatories sent May 15, 2009; 15 days, Discovery Due: June 8, 2009. Hearing - Week of June 22, 2009, High Point.
12. Donald Koons                      Hearing - Continue to June 26, 2009, 9:00 a.m., Raleigh.
13. Stanton Regard Brandon                      Interrogatories sent May 14, 2009; 15 days, Discovery Due: June 22, 2009. Hearing: Charlotte - Continued to Week of August 10, 2009.
14. Peggy Sue Shipp                      Motion to Dismiss (no PHS) filed May 12<sup>th</sup>; Response Due May 26<sup>th</sup> - Interrogatories Discovery Due: June 1, 2009; Hearing - Week of June 15, 2009, Halifax.
15. Paul Brian Evington                      PHS Due June 11, 2009 - Interrogatories Discovery Due: August 24, 2009; Hearing - Week of September 7, Asheville.
16. Jimmie Ray Edmondson, Jr.                      PHS Due June 3, 2009 - Interrogatories Discovery Due: September 7, 2009; Hearing Week of September 21, 2009, Halifax.
17. Leonard Kellis                      PHS Due June 3, 2009 - Interrogatories Discovery Due: August 10, 2009; Hearing Week of August 24, 2009, High Point.
18. George Lee Shaver, III                      Respondent Filed PHS May 19, 2009; Petitioner PHS Due June 11, 2009; Motion to Continue Filed May 19, 2009; Interrogatories Discovery Due: September 7, 2009; Hearing Week of September 21, 2009, Halifax.

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|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19. William Millard Seawell | Respondent filed PHS May 19, 2009; Petitioner PHS Due June 11, 2009; Interrogatories Discovery Due: August 31, 2009; Hearing Week of September 14, 2009, Fayetteville. |
| 20. Nighee Von Superville   | Respondent filed PHS May 19, 2009; Petitioner PHS due May 11, 2009; Interrogatories Discovery Due: September 14, 2009; Hearing Week of September 28, 2009; Raleigh.    |

**C. Final Agency Decisions**

Chairman Glenn noted that Dale Talbert would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

**1. Faneal Godbold**

Commissioners Wade Anders and Kevin Wallace recused themselves from this case.

Ms. Gilchrist presented the case of Faneal Godbold, who had General Certification with Fayetteville Police Department from February 11, 2005 to July 16, 2007. She resigned while under investigation. When she reapplied with another police department, the Commission inquired as to why she resigned from the previous police department. Ms. Godbold replied to the Commission on September 6, 2007, explaining why she had resigned. Ms. Godbold explained that her roommate, Sergeant Jernigan, had received a credit card in the roommate's name. Ms. Godbold said that Sergeant Jernigan had allowed her to use the credit card and she was solely responsible for the use and payment of the bill. When Sergeant Jernigan moved out, Ms. Godbold kept the credit card. Ms. Gilchrist stated that Sergeant Jernigan testified that she was in a relationship with Ms. Godbold. During the relationship, Sergeant Jernigan allowed Ms. Godbold to use the credit card number online to pay for educational bills so she could get her master's degree. Ms. Gilchrist stated that Sergeant Jernigan did not authorize Ms. Godbold to sign her name for any other purpose. She explained that when the relationship ended in 2003, Sergeant Jernigan agreed with Ms. Godbold that she would be responsible for paying the remaining balance on the credit card. She stated that Sergeant Jernigan contacted the bank and changed the credit card number so the educational institution could no longer use the number to charge Ms. Godbold's educational expenses. Ms. Gilchrist stated that Sergeant Jernigan noted an increase in use of the credit card and she contacted Ms. Godbold. Sergeant Jernigan stated that she did not sign the Authorized User Notification nor did she authorize Ms. Godbold to sign Sergeant Jernigan's name to the Authorized User Notification. Ms. Gilchrist stated that Sergeant Carl Wile with the Fayetteville Police Department stated that Ms. Godbold had told him that she had the credit card and she was allowed to use the card. Ms. Gilchrist stated that Ms. Godbold had failed to tell Sergeant Wile that she had forged Sergeant Jernigan's name on the form to obtain a card in the petitioner's name and that she had used that card to make purchases. Ms. Gilchrist stated that between 2003 and 2006, the balance on this account was \$1,200.00. She stated that Ms. Godbold admitted that she had received paperwork to which she had signed Sergeant Jernigan's name to



obtain the credit card. Ms. Gilchrist reiterated that Ms. Godbold did not speak with Sergeant Jernigan about obtaining the credit card in her (Godbold's) name.

Mr. David Ferrell, attorney representing Ms. Godbold, stated that she does not have any criminal offenses. Mr. Ferrell stated that Ms. Godbold could not obtain a credit card of her own so Sergeant Jernigan allowed her to use her card. Mr. Ferrell stated that there was an additional expense on the card and only \$800.00 were educational expenses. He explained that after the relationship they continued to be friends and coworkers. He stated that the credit card was in Ms. Godbold's possession according to the hearing. Mr. Ferrell stated that Ms. Godbold used the card with authority as far as she knew. There was no evidence that Sergeant Jernigan formally told Ms. Godbold not to use the card. Mr. Ferrell asked the Commission to let Ms. Godbold keep her certification.

**MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.**

**MOTION was made by Commissioner Bob Ruth that the Commission return to Open Session; seconded by Commissioner Bryant. The MOTION carried unanimously.**

**MOTION was made by Commissioner Robin Pendergraft that the Commission adopt the Proposed Final Agency Decision to suspend Faneal Godbold's law enforcement officer certification for not less than five years; seconded by Commissioner Lee Farnsworth. The MOTION carried 19-1. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.**

## **2. Margaret Suzanne Pearson**

Commissioner Terry Waterfield recused himself from this case.

Assistant Attorney General Joy Strickland presented the case of Margaret Suzanne Pearson. She stated that on October 20, 2007, Ms. Pearson filed a police report for larceny of a motor vehicle. Deputy David Kiser with the Burke County Sheriff's Office took the report and asked a dispatcher at his department to enter the VIN number information on the truck. After doing so, he spoke to a member of the State Highway Patrol who indicated that the vehicle had been recovered but had been wrecked, burned and abandoned. Deputy Kiser notified Ms. Pearson and explained to her that the vehicle had been found and it had been destroyed. Ms. Strickland stated that Ms. Pearson was surprised about the truck because she had been going through domestic problems with her husband and had him arrested. Deputy Kiser spoke with Ms. Pearson and she explained that she had placed all of her husband's clothing and possessions in the pickup truck prior to the vehicle being stolen. Later on the same day, Deputy Kiser was asked by Craig Pearson, the estranged husband of Ms. Pearson, to assist him with retrieving his personal items from Ms. Pearson's residence. Deputy Kiser told Mr. Pearson that it had been reported that all of his things had been in the truck when it was stolen. Ms. Strickland said that Mr. Pearson had stated that he did not think

that this was true and asked Deputy Kiser to accompany him to Ms. Pearson's residence to ask her if his things were there. Ms. Strickland stated that when Deputy Kiser and Mr. Pearson arrived at the residence, Ms. Pearson angrily stated that his possessions were there at the residence. Deputy Kiser went to the magistrate's office to present the case against Ms. Pearson on October 25, 2007. At that time, Deputy Kiser asked the magistrate to issue a criminal summons instead of a warrant for arrest for Ms. Pearson in light of her job.

Ms. Pearson was present and stated that when she arrived home, she found her husband in bed with another woman. She stated that her truck was stolen. Ms. Pearson stated that she was stressed and she did not remember a lot of what had happened. She stated that she had been with the Department of Correction since the year 2000 and she hoped to keep her job.

**MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Bryant. The MOTION carried unanimously.**

**MOTION was made by Commissioner Wallace that the Commission return to Open Session; seconded by Commissioner Moss. The MOTION carried unanimously.**

**MOTION was made by Commissioner Caldwell that based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that Margaret Suzanne Pearson's correctional officer certification be suspended for a period of not less than three (3) years based upon the commission of a misdemeanor offense, after certification, as defined by 12 NCAC 09G .0102 to wit: false reports to law enforcement officer or agency. This period is suspended for three years on the condition that Ms. Pearson not violate any law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission, the Company and Campus Police Program or the North Carolina Sheriffs' Education and Training Standards Commission. This period of suspension begins on the date this ORDER is signed; seconded by Commissioner Ruth. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.**

### **3. Roy Lee Burgess**

Ms. Gilchrist stated that the issue before the Commission is whether or not to deny Mr. Burgess' criminal justice officer certification for a period of not less than five (5) years based upon Mr. Burgess knowingly making a material misrepresentation of information when he completed and signed his F-3 application with Louisburg Campus Police Department. She stated that Question #47 reads as follows, "Have you ever been arrested by a law enforcement officer or otherwise charged with a criminal offense? If 'yes', please give details." Ms. Gilchrist stated that Mr. Burgess answered this question by listing several charges but he failed to list the 1996 charge of "Brandishing a Firearm" or "Disturbing the Peace" which he received from Oakland, California. Ms. Gilchrist stated Mr. Burgess was arrested

on February 24, 1976 regarding an incident with his mother-in-law. On December 19, 2006, Mr. Burgess took a polygraph examination. Mr. Burgess told the examiner that he was arrested in 1976 and briefly incarcerated but not convicted. The results were from a domestic dispute with his mother-in-law. In November 2006, Mr. Burgess stated that he was handcuffed and placed in a patrol car. Ms. Gilchrist stated that at an earlier hearing for the Campus Police Program, Mr. Burgess testified that although he was placed in handcuffs, transported in the back seat of a patrol car to the police station, and detained for one and one-half days in a small "holding type area" room with only a bench to sit on, he did not believe he was in custody or under arrest. She asked the Commission to adopt the Proposed Final Agency Decision.

Ms. Evett Brown, representing Mr. Burgess, stated that on October 12, 2006, Mr. Burgess filled out the Form F-5 with the North Carolina Department of Correction. She stated that he also filled out the form with Louisburg Police Department. Ms. Brown stated that Mr. Burgess completed a supplement memo to his application and attached it to his Form F-5. On November 16, he submitted a typed statement with his F-3 form. She stated that he did not try to hide anything. She stated that he did not knowingly make a material misrepresentation.

**MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Harrington. The MOTION carried unanimously.**

**MOTION was made by Commissioner Mike Evers that the Commission return to Open Session; seconded by Commissioner Post. The MOTION carried unanimously.**

**MOTION was made by Commissioner Farnsworth that the Commission adopt the Proposed Final Agency Decision to deny Roy Lee Burgess' criminal justice officer certification for a period of not less than five years; seconded by Commissioner Post. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.**

#### **VII. DATE OF NEXT MEETING**

Chairman Glenn reminded the members that the next meeting of the Commission would be on August 28, 2009 at the Department of Correction's Office of Staff Development and Training facility in Apex, North Carolina.

#### **VIII. MOTION TO ADJOURN**

MOTION was made by Commissioner Farnsworth to adjourn the meeting. The MOTION was seconded by Commissioner Jones and it carried unanimously.